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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 FREDDIE FRANCIS, JR.) NO. ED CV 17-283-SJO(E)
12 Plaintiff,)
13 v.) ORDER TO SHOW CAUSE
14 UNITED STATES OF AMERICA,)
15 et al.,)
16 Defendants.)
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18 Plaintiff, a federal prisoner, filed this action on February 15,
19 2017. On March 3, 2017, the Court issued an "Order Dismissing
20 Complaint with Leave to Amend." On May 1, 2017, Plaintiff filed a
21 First Amended Complaint.
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23 On May 22, 2017, the Court issued an "Order Dismissing First
24 Amended Complaint with Leave to Amend." On June 22, 2017, Plaintiff
25 filed a Second Amended Complaint.
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27 On June 23, 2017, the Magistrate Judge issued an "Order Directing
28 Service of Process of Second Amended Complaint by the United States

1 Marshal" authorizing service of the Summons and Second Amended
2 Complaint on Defendants: (1) J. Esquetini, M.D.; (2) Dr. Snell, M.D.;
3 (3) Dr. Wolverton, M.D.; and (4) Dr. Quinn, M.D., in their individual
4 capacities.

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6 Subsequently, four "Process Receipt and Return" (Form 285) forms
7 were filed. Two forms indicated that the Marshals Service was unable
8 to serve Defendants Snell and Quinn and bore the notation "no longer
9 employed there." The forms concerning Defendants Wolverton and
10 Esquitini did not show proper service on those Defendants.

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12 On March 8, 2018, the Magistrate Judge issued an Order to Show
13 Cause, ordering Plaintiff to show cause in writing why the action
14 should not be dismissed for failure to prosecute and failure to effect
15 timely service. On April 13, 2018, Plaintiff filed "Plaintiff Respond
16 [sic] to the Order to Show Cause, etc.," inter alia indicating that
17 Plaintiff had been released from prison, presently resided in
18 Louisiana and wished to pursue this case.

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20 On April 18, 2018, the Magistrate Judge issued an "Order
21 Extending Time for Service," discharging the Order to Show Cause and
22 extending the time to effect proper service of the Summons and Second
23 Amended Complaint to sixty (60) days from the date of the Order. The
24 Magistrate Judge warned Plaintiff that failure to effect timely
25 service (through the Marshals Service or otherwise) might result in
26 dismissal of the action.

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1 As of the date of this Order, no proofs of service showing proper
2 service of the Summons and Second Amended Complaint on Defendants have
3 been filed. No Defendant has appeared in the action.
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5 Accordingly, within thirty (30) days of the date of this Order,
6 Plaintiff shall show cause, if there be any, why the action should not
7 be dismissed for failure to prosecute and failure to effect timely
8 service. See Fed. R. Civ. P. 4(m). Plaintiff must attempt to show
9 such cause by filing a declaration signed under penalty of perjury.
10 Failure timely to comply with this Order may be deemed consent to the
11 dismissal of this action.
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13 DATED: July 2, 2018.
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15 /s/
16 CHARLES F. EICK
UNITED STATES MAGISTRATE JUDGE
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